

UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT of PENNSYLVANIA

HERSHEY CREAMERY COMPANY,

Plaintiff

v.

LIBERTY MUTUAL FIRE INSURANCE COMPANY and

LIBERTY INSURANCE CORPORATION, ,

Defendants

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Civil Action No. 1:18-CV-0694

(Chief Judge Conner)

JUDGMENT IN A CIVIL ACTION

The court has ordered that (*check one*):

☐ the plaintiff _____ recover from the
defendant (*name*) _____ the amount of
_____ dollars (\$ _____), which includes prejudgment
interest at the rate of _____ %, plus postjudgment interest at the rate of _____ %, along with costs.

☐ the plaintiff recover nothing, the action be dismissed on the merits, and the defendant (*name*) _____
_____ recover costs from the plaintiff (*name*) _____
_____ .

X other: **DECLARATORY JUDGMENT be and is hereby ENTERED in favor of plaintiff HERSHEY CREAMERY COMPANY,**
and against defendants LIBERTY MUTUAL FIRE INSURANCE COMPANY and LIBERTY INSURANCE
CORPORATION, as to Hershey's declaratory judgment claim against Liberty Mutual (Count I) regarding Liberty Mutual's
duty to defend, as follows: IT IS ORDERED AND DECLARED that Liberty Mutual has a duty to defend Hershey in the
action pending in the United States District Court for the District of Delaware captioned F'Real Foods, LLC v. Hamilton
Beach Brands, Inc., No. 1:14-CV-1270 (D. Del. 2014), as subsequently consolidated with the related action captioned F'Real
Foods, LLC v. Hamilton Beach Brands, Inc., No. 1:16-CV-41 (D. Del. 2016), in accordance with the courts' memorandum
(Doc. 29) and order (Doc. 30), of May 6, 2019.

This action was (*check one*):

☐ tried by a jury with Judge or Magistrate Judge _____ presiding, and the jury has
rendered a verdict.

☐ tried by Judge or Magistrate Judge _____ without a jury and the above decision

X decided by Judge or Magistrate Judge _____ Chief Judge Christopher C. Conner

MOTION FOR PARTIAL SUMMARY JUDGMENT

Date: May 6, 2019

CLERK OF COURT PETER WELSH, Clerk of Court

K. McKinney, Deputy Clerk

